



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(Honorable RUBEN B. BROOKS)

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHEONG SAU WONG,  
XU JUN LEE

Defendants.

) CRIMINAL CASE 08CR0369-JLS  
) MAGISTRATE CASE 08MJ8096-PCL  
) DATE: March 13, 2008  
) TIME: 9:00 A.M.  
) COURTROOM B

) ORDER  
) SETTING VIDEO DEPOSITION  
) OF MATERIAL WITNESSES  
) MING ZHOU ZHU  
) LIANGNENG JIANG  
) YUHAI WANG  
) XUZAI DONG  
) LIQIU LIN

On application of Attorney Al Smithson, on behalf of the  
above-named material witnesses, and good cause appearing:

1. The material witnesses, MING ZHOU ZHU, LIANGNENG JIANG,  
YUHAI WANG, XUZAI DONG and LIQIU LIN, being held in custody in  
case number 08CR0369-JLS shall be deposed on April 9, 2008  
at 9:00 a.m., at a place designated in the United States  
Attorneys Office at 880 Front Street, San Diego, California.

2. All parties shall attend the deposition. The arresting

1 agency shall bring the material witnesses to the deposition. If  
2 any defendant is in custody, that defendant or those defendants  
3 shall be brought separately to the deposition. A marshal shall  
4 remain present throughout the preceding.

5 3. The United States Attorney's office shall provide a  
6 videotape and audio tape operator and arrange for a court-  
7 certified interpreter to be present for the material witnesses,  
8 if necessary.

9 4. The cost of the interpreter for the material witnesses  
10 will be borne by the Court.

11 5. If the defendants need an interpreter independent of the  
12 material witness interpreter (if any), defense counsel will  
13 arrange for a court-certified interpreter to be present. The  
14 cost of a separate interpreter for the defendants shall be paid  
15 by the Court.

16 6. A notary is to preside at the deposition in accordance  
17 with Rule 28(a), Fed.R.Civ.P. The parties may, by written  
18 stipulation, agree to selection of any state certified notary.  
19 In the absence of a written stipulation, the U.S. Attorney's  
20 Office shall provide and pay for a notary as set forth in  
21 Fed.R.Civ.P. 28(c).

22 7. The deposition shall be videotape and audiotape  
23 recorded. Prior to the conclusion of the deposition, the  
24 deponent, or a party, may, for good faith reasons, elect to have  
25 the deponent review the videotaped record of their deposition so  
26 as to check the recording for errors or omissions and to note any  
27 changes. Any errors or changes, and the reasons for making them,  
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1 shall be stated in writing and such writing shall be signed by  
2 the deponent.

3 8. The videotape operator shall select and supply all  
4 equipment required to videotape the deposition and shall  
5 determine all matters of staging and technique, such as number  
6 and placement of cameras and microphones, lighting, camera angle,  
7 and background. He or she shall determine these matters in a  
8 manner that accurately reproduces the appearance of each witness  
9 and assures clear reproduction of both the witness' testimony and  
10 the statements of counsel. The witnesses, or any party to the  
11 action, may place upon the record any objection to the videotape  
12 operator's handling of any of these matters. Such objections  
13 shall be considered by the Court in ruling on the admissibility  
14 of the video record. All such objections shall be deemed waived  
15 unless made promptly after the objector knows, or has reasonable  
16 grounds to know, of the basis of such objection.

17 9. The deposition shall be recorded in a fair, impartial,  
18 objective manner. The videotape equipment shall be focused on  
19 each witness; however, the videotape operator may from time to  
20 time focus upon charts, photographs, exhibits or like material  
21 being shown to the witness during the deposition.

22 10. Before examination of each of the witnesses, the  
23 Assistant United States Attorney shall state on the video record  
24 his or her name; the date, time and place of the deposition; the  
25 name of the witness and the caption of the action; the identity  
26 of the parties and the names of all persons present in the  
27 deposition room. A notary shall then swear the witness on the  
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1 video record. Further, at the beginning of the examination by  
2 each counsel, the counsel shall identify himself or herself and  
3 his or her respective client on the record.

4 11. The videotape operator shall not stop the video  
5 recorder after the deposition commences until it concludes,  
6 except, however, that any party may request a cessation for a  
7 brief recess, which request will be honored unless another party  
8 objects and states the basis for said objection on the record.  
9 Each time the tape is stopped or started, the operator shall  
10 announces the time on the record. If the deposition requires the  
11 use of more than one tape, the end of each tape and the beginning  
12 of the next shall be announced orally on the video record by the  
13 operator.

14 12. Testimonial evidence objected to shall be recorded as  
15 if the objection had been overruled and the court shall rule on  
16 the objections prior to admitting that portion of the deposition.  
17 The party raising the objection(s) shall be responsible for  
18 preparing a transcript for the court to consider. All objections  
19 to the evidence presented shall be deemed waived unless made  
20 during the deposition.

21 13. The party offering the deposition into evidence at trial  
22 shall be responsible for providing the Court with a transcript of  
23 the portions so offered. The transcript will be used in lieu of  
24 contemporaneous transcription by the court reporter.

25 14. Copies of all exhibits utilized during the videotaped  
26 deposition shall be attached to the videotaped record.

27 15. At the conclusion of the deposition, the Government and  
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1 defendants will advise the material witnesses attorney if they  
2 intend to object to the release of the material witnesses. If  
3 the parties do not object to the release of material witnesses,  
4 the Government will immediately approve the release order of each  
5 material witness. The Government will provide the witnesses with  
6 a subpoena for the trial date and a travel fund advance letter.

7 16. If either party objects to the release of the material  
8 witnesses, the objecting party must within four business hours  
9 after the deposition has concluded request a hearing on the issue  
10 before the District Court. At the hearing, the objecting party  
11 must be prepared to show why live witness testimony is vital to  
12 its case. If, after the hearing, the Court decides to release  
13 the material witnesses, the material witness attorney should file  
14 the witness release order immediately. Again, the Government  
15 must serve each material witness with a trial subpoena and a  
16 travel fund advance letter before the material witness is  
17 released from custody.

18 17. The Assistant United States Attorney shall maintain  
19 custody of the original videotape of the deposition along with a  
20 certificate signed by the videotape operator attesting that it is  
21 an accurate and complete recording of the deposition until such  
22 time as any party or the material witness' attorney requests that  
23 it be filed with the court.

24 18. Upon such request, the Assistant United States Attorney  
25 shall file this original tape, along with the certification, with  
26 the court in a sealed envelope marked with the caption of the  
27 case, the name of the witness and the date of the deposition.  
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